

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
2017 APR 26 AM 8:49  
OFFICE OF THE CLERK

IN THE MATTER OF:

Inspection of the work place  
located at and near:

Case No. 8:17 MJ 97

37831 205th Street  
Columbus, NE

under the control or custody of:

DANIELS PRODUCE, L.L.C.

**ADMINISTRATIVE SEARCH WARRANT**

TO: Jeff Funke  
Area Director  
Occupational Safety and Health  
Administration  
Omaha Area Office

Application having been made, and reasonable cause having been shown for the inspection of the work place described as Daniels Produce, L.L.C. and located at 37831 205th Street, Columbus, NE.

IT IS HEREBY ORDERED that, pursuant to section 8(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651-678, YOU OR YOUR DULY DESIGNATED REPRESENTATIVES ARE AUTHORIZED to enter the above-described work place during regular working hours or at other reasonable times, to make an inspection and investigation of the following alleged hazardous conditions:

| Item | Location  | Hazardous Condition   | Section of the Act and/or Standard Applicable |
|------|---|---|---|
| 1    | Greenhouse construction areas                           | Employees are exposed to fall hazards while working from heights greater than 6 feet without fall protection equipment. | 5(a)(1)<br>29 CFR 1926<br>29 CFR 1928         |
| 2    | Equipment used by employees in photograph shown in Ex B | Employees are exposed to amputation hazards due to working with a machine that lacks adequate guards.                   | 29 CFR 1928.57<br>5(a)(1)                     |

Said inspection to include: all relevant records, files, and papers; all relevant work places or environments where work is performed by employees; all safety and health programs, including those for fall hazards, and hazards from lack of guarding as identified in the referral and the written hazard communication program and implementation; all pertinent conditions, circumstances, structures, machines, apparatus, devices, equipment, materials, processes, controls, and facilities and all other things therein including videotaping, the taking of photographs, environmental samples including the use of personal sampling equipment and measurements relating to the alleged violations; the questioning privately of any employee or agent, bearing on whether employees are being furnished employment and place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees, and whether there is compliance with the occupational safety and health standards promulgated under the Act.

You are hereby directed not to disclose any information obtained during the inspection which is designated to be a trade secret as defined by 18 U.S.C. § 1905, except

that such information may be disclosed to other officers or employees concerned with carrying out the Act or when relevant in any proceeding under the Act.

A return shall be made to this Court showing that the inspection has been completed. The inspection authorized herein shall be initiated within 10 days, and a return shall be made to the Court within fourteen days following completion of the inspection.

DATED: 4-11-17

  
Susan Bazis  
United States Magistrate Judge

RETURN OF SERVICE

I hereby certify that a copy of the within warrant was duly served on

APRIL 14<sup>th</sup> 2017, to the company named herein:

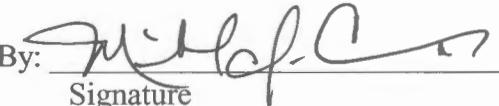
DANIELS PRODUCE, L.L.C.

37831 205<sup>th</sup> ST.

COLUMBUS, NE 68601

RETURN

I declare under penalty of perjury that the inspection of the work place described in this warrant was made on KELLY DANIELS.

By:   
Signature

MICHAEL J. CONNELL

Compliance Officer, Occupational Safety and Health Administration  
United States Department of Labor

Date Signed: 4/14/17.